

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

**JORGE ALBERTO SAINZ NAVARRETE,
A.K.A. "HORACIO SAINZ NAVARRETE,"**

Defendants.

8:16CR248

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court on the Government's Motion for Preliminary Order of Forfeiture, ECF No. 404. The Government seeks a preliminary order of forfeiture for a Money Judgment as to Defendant Jorge Alberto Sainz Navarrete a.k.a. "Horacio Sainz Navarrete" ("Defendant").

Fed. R. Crim. P. Rule 32.2(b)(1)(A) provides that the Government may obtain a money judgment. "If the government seeks a personal money judgment, the court must determine the amount of money that the defendant will be ordered to pay." *Id.* The parties appeared for sentencing on September 19, 2018. At the sentencing hearing, the Court determined that the Government proved by a preponderance of the evidence that the amount of methamphetamine that is attributable to the Defendant and for which the Defendant is responsible in connection with Count I of the Second Superseding Indictment had a value of not less than \$192,000.00. Accordingly, that amount is subject to a forfeiture by way of money judgment against the Defendant.

The Court also concluded that the Government proved by a preponderance of the evidence that the amount of money attributable to the Defendant and associated with the

drug conspiracy in connection with Count XI was not less than \$125,105.00. Evidence at trial demonstrated that this amount is held in an account at Wells Fargo Bank, and is referred to herein as the “currency.” The Court concluded that sum is also subject to forfeiture by way of a concurrent money judgment against the Defendant.

Accordingly,

IT IS ORDERED:

A. The Government’s Motion for Preliminary Order of Forfeiture, ECF No. 404, is granted.

B. Based upon the Forfeiture Allegation of the Second Superseding Indictment, a concurrent money judgment is entered against Defendant and the Government is hereby authorized to seize the following amounts, described above:

1. Count I: \$192,000.00
2. Count XI: \$125,105.00

C. The Defendant’s interest in the aforementioned currency is hereby forfeited to the Government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned currency is to be held by the Government in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the Government forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Order, Notice of Publication evidencing the Government’s intent to dispose of the currency in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a

legal interest in any of the subject currency must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject currency and any additional facts supporting the Petitioner's claim and the relief sought.

G. The Government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 24th day of September, 2018.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge